

REMARKS

Claims 1-4 are pending in the present application. Claim 4 is rejected. Claim 4 is herein amended.

Applicants' Response to Claim Rejections under 35 U.S.C. §102

Claim 4 was rejected under 35 U.S.C. §102(b) as being anticipated by Nishikawa et al. (JP 2000-205164).

It is the position of the Office Action that Nishikawa discloses the invention as claimed. The Office Action states that both the oil bore formed in the rotary shaft and the lubrication bore formed in the intermediate partitioner are “not numbered; however, clearly seen in Fig. 1.” It is unclear what part of Nishikawa the Office Action regards as analogous to these elements. However, it appears that the Office Action regards as the “oil bore” either the oil grooves (diagonal lines above and below the cylinders) or the bore (dotted line within the shaft), or both. It appears that the Office Action regards the passage from the shaft to the inhalation opening 31 as analogous to the lubrication bore. The pending Office Action argues that cylinder 33 is the “second cylinder” having the low-pressure chamber.

Present claim 4 requires “a lubrication bore for direct communication between the oil bore and a low pressure chamber in the second cylinder.” In Nishikawa, an unnumbered and L-shaped bore appears to lead from the shaft to the inhalation opening 31, directly away from the upper cylinder 23. Thus, the opening 31 of Nishikawa communicates to the low-pressure chamber of the second cylinder indirectly, via the L-shaped bore. Thus, Applicants respectfully

Amendment
Serial No. 10/770,129
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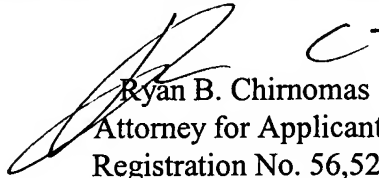
submit that claim 4 distinguishes over the cited art. Favorable reconsideration is respectfully requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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